

OUTLINE AND PRESENTATION

LESSON PLAN

New Mexico Controlled Substances Act

Instructional Goal:

The student should have a basic working knowledge of the types of drugs listed in the five schedules and what specific activities are prohibited under the Act.

Instructional Objectives:

- (1) Identify the major drugs grouped under each of the five schedules in the New Mexico Controlled Substances Act.
- (2) Recognize and identify the elements of prohibited crimes under the New Mexico Controlled Substances Act.
- (3) Recognize and identify the various sentencing provisions in the New Mexico Controlled Substances Act.

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<div>OH1</div> <div>OH2</div>	<p>LESSON PLAN</p> <p>I. <u>INTRODUCTION</u></p> <p>A. Instructors name and background</p> <p>B. Purpose of the Course:</p> <p> The controlled substances act defines which drugs/narcotics, etc. are illegal and what activities are prevented that involve controlled substances. Each individual schedule is discussed and explained, as are delineated crimes in the Controlled Substances Act.</p> <p>II. <u>GENERAL INFORMATION</u></p> <p>A. The essence of drug crimes is possession by the defendant.</p> <p>B. The Controlled Substances Act is contained in Article 31, N.M.S.A.</p> <p>C. Discuss and explain 30-31-2, which is the definitional section of the act, specifically the following terms:</p> <ul style="list-style-type: none"> - “board” - “controlled substance” - “counterfeit substance” - “deliver, dispense, distribute” - “marijuana” - “narcotic drug” - “opiate” - “prescription” - <p>D. Schedules: based on criteria in 30-31-5, N.M.S.A.</p> <p>III. <u>Schedules: Controlled Substances Act (New Mexico)</u></p> <p>A. Schedule I</p>

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- (1) Has a high potential for abuse
- (2) No accepted medical use for treatment in the United States
- (3) Lacks safety for treatment
- (4) Substances commonly associated with Schedule I:

- heroin
- marijuana* (Explain medical use exception)
- LSD
- Mescaline
- Peyote
- DMT
- MDA
- STP
- THC

- (Note exceptions is sections D & E)

B. Schedule II

- (1) Has a high potential for abuse
- (2) Currently accepted medical use, with or without restriction
- (3) May lead to severe psychological or physical dependence
- (4) Substances commonly associated with Schedule II:

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- opium
- morphine
- percodan
- codeine
- dilaudid
- amphetamine
- methamphetamine
- seconal
- tunial
- Nembutal
- Preludin

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- Ritalin
- Cocaine
- Methaqualone
- Quaalude

C. Schedule III

- (1) Less potential for abuse than drugs in Schedule I or II
- (2) Currently accepted medical use in the United States
- (3) Moderate or low physical dependence
- (4) High psychological dependence
- (5) Substances commonly associated with Schedule III:

- aspirin or Tylenol w/codeine
- amphetamine substitutes
- slower acting barbiturates
- doriden
- paregoric

D. Schedule IV

- (1) Less potential for abuse than drugs in Schedule III
- (2) Currently accepted medical use in the United States
- (3) Limited physical or psychological dependence
- (4) Substances commonly associated with Schedule IV:

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- Phenobarbital
- Chloral hydrate
- Miltown
- Darvon
- Valium
- Librium

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E. Schedule V

- (1) Lowest potential for abuse
- (2) Currently accepted medical use in the United States
- (3) Limited physical or psychological dependence
- (4) Substances commonly associated with Schedule V:

- lomotil
- cough syrups w/robitussin and ambenyl

Note: If unsure about any drug or its status, always check with the New Mexico Board of Pharmacy. Also, the University of New Mexico has a poison control hotline manned by highly trained pharmacists who can be of immediate help.

IV. Violations of the Controlled Substances Act

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A. TRAFFICKING CONTROLLED SUBSTANCES 30-31-20

Elements:

- manufacture of any controlled substance in any schedule
- distribute, sell, barter or give away any controlled substance which is a Schedule I **or** II narcotic drug or possession w/intent to distribute any Schedule I or II narcotic drug.
- Possession w/intent to distribute any controlled substance in Schedule I or II narcotic drug

Penalty: 1st offense (2nd degree felony)
2nd and subsequent offenses (1st degree felony)

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Any person who knowingly violates this section within a drug free school zone excluding private property residentially zoned or used primarily as a residence is guilty of a 1st degree felony.

B. POSSESSION OF A CONTROLLED SUBSTANCE 30-31-23

Elements:

- intentionally possess a controlled substance unless authorized under the Controlled Substances Act

Penalty: (one ounce or less) for marijuana
– first offense (petty misdemeanor)
(one ounce or less) for marijuana
– 2nd and subsequent offense (misdemeanor)
(>one ounce, < 8 ounces) for marijuana (misdemeanor)
(8 ounces or more) for marijuana (4th degree felony)
Any Schedule I or II narcotic or phencyclidine (4th degree felony)
Any other drug of any amount (misdemeanor)

C. CONTROLLED SUBSTANCES; PROHIBITED ACTS 30-31-25

Elements:

- Intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance by misrepresentation, fraud,

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forgery, deception or subterfuge (4th degree felony)

D. POSSESSION, ELIVERY, MANUFACTURE, OR DELIVERY TO A MINOR OF DRUG PARAPHERNALIA PROHIBITED 30-31-25.1

Elements:

- possess w/intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the body a controlled substance.

Penalty: (Misdemeanor)

- deliver, or possess w/intent to deliver or manufacture w/intent to deliver drug paraphernalia with knowledge, or under circumstances where one should reasonably know, that it will be put to uses described in paragraph 1 above

Penalty: (Misdemeanor)

- anyone over 18 who violates paragraph 2 above by delivering drug paraphernalia to a person under 18 and who is at least 3 years his junior, is guilty of 4th degree felony.

E. FORFEITURES; PROPERTY SUBJECT 30-31-34

- (1) Very broad – controlled substances, raw materials, containers, all conveyances, paper/documents/books, etc.

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- (2) Discuss exceptions if subsection g
- (3) Also note Forfeiture procedure under 30-31-35

F. IMITATION CONTROLLED SUBSTANCES ACT
30-31a-15 may be of use in drug cases. Discuss similarity of what is prohibited and procedures for forfeiture

G. PAINT AND GLUE ABUSE 30-29-1, 30-29-2

- (1) Prohibits inhaling, sniffing or smelling vapors/fumes from glue(s), aerosol sprays, or any other chemical substance for purpose of altering mental state.

Conclusion:

The New Mexico Controlled Substances Act categorizes drugs/narcotics according to their potential for abuse and harm, and prohibits such acts as possession, trafficking, distribution, and manufacture. Additionally, higher penalties are provided for involving minors in the abuse/use of controlled substances. Property used or involved in violations of the New Mexico Controlled Substances Act may be forfeited.

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